

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Chapter 11
	:	
MICHAEL B. SARACENO, JR.,	:	BANKR. NO. 13-18784REF
	:	
Debtor,	:	

**STIPULATION AND ORDER RESOLVING BOTH THE U. S. TRUSTEE'S
MOTION TO DISMISS OR CONVERT TO CHAPTER 7 AND
THE DEBTOR'S MOTION TO CLOSE CASE**

It is hereby stipulated, by and between Dave P. Adams, Esq., counsel for the United States trustee, and Michael J. McCrystal, Esq., counsel for the above Debtor as follows:

- A. The Debtor commenced this case on October 7, 2013, by filing a voluntary petition under chapter 13 of the United States Bankruptcy Code.
- B. On May 1, 2014, the Debtor's case was converted to chapter 11.
- C. On December 17, 2015, an order was entered confirming the Debtor's Third Amended Chapter 11 Plan.
- D. The Debtor filed an adversary complaint against the United States Small Business Administration (the "SBA") on September 28, 2016.
- E. Concurrent with the filing of the above referenced complaint the Debtor filed a motion to close his case (Dkt. No. 160). The motion is still pending.
- F. On December 30, 2016, the U. S. trustee filed a motion to dismiss or convert the Debtor's case to chapter 7, based on, *inter alia*, past due financial reports and

delinquent statutory fees (Dkt. No. 170). The motion is still pending.

G. On May 25, 2017, the Debtor's complaint against the SBA was settled, and with the exception of the above referenced motions of the U. S. trustee and the Debtor, there are no other matters pending before the Court.

H. The Debtor acknowledges that the required financial reports for the months of March, May, and June, 2017 have not been filed, and the statutory fees for the second quarter of 2017 have not been paid. The Debtor further acknowledges that he will also owe statutory fees for the third quarter of 2017.

I. The Debtor continues to desire to have his case closed until he is eligible for a discharge, and subject to the filing of the outstanding reports and payment of the fees referenced in paragraph 8 above, the U. S. trustee does not object to the case being closed.

NOW THEREFORE, upon consideration of the above recitals, the parties stipulate as follows:

1. On or before August 7, 2017, the Debtor shall file financial reports for the months of March, May, and June, 2017, and provide the U. S. trustee with the amount of disbursements, if any, made during July, 2017.

2. On or before July 31, 2017, the Debtor shall pay the statutory fees for the second and third quarters of 2017.

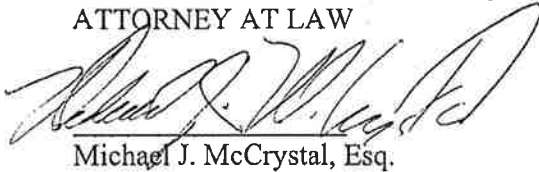
3. On or before August 7, 2017, the Debtor shall pay the outstanding costs for adversary 16-330, as set forth in the Certificate of Costs issued on June 9, 2017.

4. Upon completion of the actions referenced in paragraphs 1, 2, and 3 above,

above, the Debtor shall file a certification of completion of same with the Court.

5. Upon the filing of the above referenced certification of completion, the Clerk of the Bankruptcy Court may close this case.

MICHAEL J. MCCRYSTAL, ESQ.
ATTORNEY AT LAW



Michael J. McCrystal, Esq.

Counsel for Debtor

Dated: 7-25-17

ANDREW R. VARA
ACTING UNITED STATES TRUSTEE

By:



Dave P. Adams, Esq.

Counsel for the U. S. trustee

Dated: 7/26/17

ORDER

The provisions of the above Stipulation are approved and the parties are ORDERED to comply with their respective obligations thereunder.

IT IS FURTHER ORDERED that upon the filing of the certificate of completion referenced in paragraph 4 of the Stipulation, the Clerk of the Bankruptcy Court shall close this case.

Dated: _____

Honorable Richard E. Fehling
United States Bankruptcy Judge

